



February 8, 2002

Mr. Tom Carr  
Taylor, Olson, Adkins, Sralla & Elam  
6000 Western Place, Suite 200  
Fort Worth, Texas 76107-4654

OR2002-0598

Dear Mr. Carr:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 158378.

The Ponder Independent School District ("PISD") received a request for answers to a series of questions and, depending on the responses, written PISD policies.<sup>1</sup> You advise us that PISD will provide the written policies to the requestor, but you seek an opinion from this office regarding whether PISD must provide answers to the questions. In that regard, this office has previously concluded that the Public Information Act does not require a governmental body to answer factual questions. *See* Open Records Decision No. 555 (1990). However, we note that a governmental body must make a good faith effort to relate a request to information it holds, which in this instance you claim PISD has done. Open Records Decision No. 561 (1990). Accordingly, we find that PISD need not further respond to the request for information at issue here.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the

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<sup>1</sup>You state in your letter brief dated November 26, 2001 that a copy of the request for information should be attached to the brief. We note, however, that our copy of the letter brief did not have any such attachment.

full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

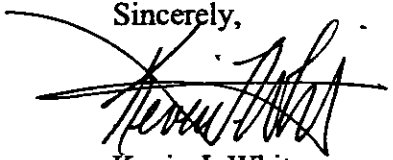
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Kevin J. White  
Assistant Attorney General  
Open Records Division

KJW/sdk

Ref: ID# 158378

c: Mr. Edmund J. Zielienski  
Office of the General Counsel  
Life Dynamics Incorporated  
P.O. Box 2226  
Denton, Texas 76202  
(w/o enclosures)